

Exhibit N

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1 UNITED STATES DISTRICT COURT

2 EASTERN DISTRICT OF VIRGINIA

3 ALEXANDRIA DIVISION

4 - - - - - x

5 UNITED STATES, et al., :

6 Plaintiffs, :

7 v. : Case No.

8 GOOGLE, LLC, : 1:23-cv-00108

9 Defendant. :

10 - - - - - x

Monday, March 4, 2024

Washington, D.C.

11 Job No. CS6484199

12 Videotaped Deposition of:

13 WAYNE D. HOYER, Ph.D.,

14 called for oral examination by counsel for the

15 Defendant, pursuant to notice, at the United States

16 Department of Justice, Antitrust Division, 450 Fifth

17 Street, Northwest, Suite 11-248, Washington,

18 D.C. 20001, before Christina S. Hotsko, RPR, CRR, of

19 Veritext Legal Solutions, a Notary Public in and for

20 the District of Columbia, beginning at 8:33 a.m.,

21 when were present on behalf of the respective

22 parties:

<p style="text-align: right;">Page 250</p> <p>1 Q. I'm asking about Advertiser Perceptions'</p> <p>2 surveys, not the surveys that Dr. Simonson</p> <p>3 conducted.</p> <p>4 Are we on the same page?</p> <p>5 A. Okay. Same criticism of that. They just</p> <p>6 ask frequent -- they don't ask frequency. They</p> <p>7 just ask how many tools used.</p> <p>8 Q. You think Advertiser Perceptions' surveys</p> <p>9 were flawed because they don't ask about frequency</p> <p>10 of use?</p> <p>11 MR. SHEANIN: Objection. Form.</p> <p>12 Foundation.</p> <p>13 THE WITNESS: As I said before, I haven't</p> <p>14 seen their surveys.</p> <p>15 BY MS. DEARBORN:</p> <p>16 Q. Right. You haven't reviewed any of</p> <p>17 Advertiser Perceptions' other surveys, correct?</p> <p>18 A. That's correct.</p> <p>19 Q. So you have no basis to say whether</p> <p>20 they're asking about frequency of use.</p> <p>21 A. Well, other than what's said in the</p> <p>22 footnote of the Simonson report.</p>	<p style="text-align: right;">Page 252</p> <p>1 BY MS. DEARBORN:</p> <p>2 Q. All right. I'd like to ask you about</p> <p>3 another criticism that you have of Dr. Simonson's</p> <p>4 report, which is its exclusion of companies in his</p> <p>5 appendix I, which is the no-contact list.</p> <p>6 So let's start with paragraph 65 of your</p> <p>7 report. But it's fine to turn to appendix I --</p> <p>8 A. Uh-huh.</p> <p>9 Q. -- while we ask these questions.</p> <p>10 Do you know why Professor Simonson</p> <p>11 excluded the companies in appendix I from his</p> <p>12 survey respondent pool?</p> <p>13 A. I don't have a detailed understanding,</p> <p>14 but my basic understanding is that these were</p> <p>15 companies involved in litigation about Google.</p> <p>16 Q. Do you think it would have been</p> <p>17 appropriate for Professor Simonson to contact</p> <p>18 someone who's involved in this litigation?</p> <p>19 MR. SHEANIN: Objection. Calls for a</p> <p>20 legal conclusion.</p> <p>21 THE WITNESS: I think it's possible. I</p> <p>22 think -- a lot of these companies are large. And</p>
<p style="text-align: right;">Page 251</p> <p>1 Q. Okay. So your entire opinion is based on</p> <p>2 the footnote -- on this score is based on the</p> <p>3 footnote in Dr. Simonson's report?</p> <p>4 MR. SHEANIN: Objection. Form.</p> <p>5 Misstates testimony. Foundation.</p> <p>6 THE WITNESS: As I've said, I'm not</p> <p>7 criticizing Ad Perceptions. I criticize</p> <p>8 Simonson's report and the fact that there's no</p> <p>9 information on frequency of use.</p> <p>10 BY MS. DEARBORN:</p> <p>11 Q. Okay. Well, you do question</p> <p>12 Dr. Simonson -- the results of Dr. Simonson's</p> <p>13 survey, don't you?</p> <p>14 A. Yes.</p> <p>15 Q. And you have no basis to opine one way or</p> <p>16 the other as to whether the results in the survey</p> <p>17 are similar or different to those that</p> <p>18 Advertiser Perceptions has reached in other</p> <p>19 surveys that it's conducted, right?</p> <p>20 MR. SHEANIN: Objection. Form.</p> <p>21 Foundation.</p> <p>22 THE WITNESS: That's correct.</p>	<p style="text-align: right;">Page 253</p> <p>1 just because the company is involved in litigation</p> <p>2 doesn't mean that every single member of that</p> <p>3 company is going to know about that litigation,</p> <p>4 nor does it mean even people not -- that are</p> <p>5 contacted aren't aware of that litigation.</p> <p>6 And one way you would deal with this is,</p> <p>7 at the end of a survey, to always ask a question,</p> <p>8 who do you think sponsored this survey or who --</p> <p>9 or what is the purpose of this survey?</p> <p>10 And if you get people in that question,</p> <p>11 then they are excluded from the sample. But you</p> <p>12 could still survey those individuals.</p> <p>13 BY MS. DEARBORN:</p> <p>14 Q. Are you saying it would have been</p> <p>15 appropriate to include a question at the end of</p> <p>16 the survey that asked who do you think sponsored</p> <p>17 the survey?</p> <p>18 A. Absolutely. We do that all the time. I</p> <p>19 do that in every survey I do.</p> <p>20 Q. And if respondents answered the question</p> <p>21 correctly, they would be excluded?</p> <p>22 A. Yes.</p>

<p style="text-align: right;">Page 254</p> <p>1 Q. So that would have been methodologically 2 appropriate but not informing survey respondents 3 and giving them the opportunity to opt out? 4 A. I would ask that question before. It's a 5 different issue. First of all, you want to know 6 are they aware of it. And then you want -- if 7 they are aware who it was, and they get that 8 correct, then you exclude them. Then you ask 9 and -- reveal the sponsor of the survey and see if 10 they have a problem with it. That's -- so it's a 11 different issue. 12 Q. I'm sorry. I just want to understand 13 your testimony. 14 You said, first of all, you want to know 15 if they're aware of it. And then, if they are 16 aware, who it was. And if they get that correct, 17 then you exclude them. Then you ask and reveal 18 the sponsor of the survey and see if they have a 19 problem with it. 20 Are you saying that, at the end of the 21 survey, Dr. Simonson should have first asked 22 respondents to guess the sponsor of the survey and</p>	<p style="text-align: right;">Page 256</p> <p>1 to exclude their answers, correct? 2 A. Yes. Correct. 3 Q. And what you take issue with is 4 Dr. Simonson's choice to tell respondents the 5 sponsor of the survey and its purpose and then 6 allow themselves to opt out, right? 7 A. I don't take issue with him telling the 8 sponsor of the survey. My concern is that it 9 eliminates a substantial number of people, and its 10 systematic exclusion, and that questions the 11 reliability of the sample. 12 Q. So you think fewer people would opt out 13 if asked to guess about the sponsor of the survey 14 and its purpose than would opt out if told? 15 MR. SHEANIN: Objection. Form. 16 THE WITNESS: Again, they're separate 17 issues. I'm wanting to know on their own if they 18 answered this. And it could happen to anybody in 19 the sample. They could be -- people read the 20 New York Times, they read the news, could be 21 aware, even in the sample as it stands right now. 22 And you just -- I think you need to assess are</p>
<p style="text-align: right;">Page 255</p> <p>1 then they would be told the sponsor of the survey? 2 A. I'm saying they're separate issues. 3 Q. I see. 4 A. I'm saying standard practice in survey 5 research is to ask the -- what do you think the 6 purpose of the survey was? Or you could ask two 7 questions, who do you -- a lot of times in 8 academic research, there is no sponsor, so you 9 ask, what was the purpose of the survey? But if 10 there is a sponsor, then you ask specifically, who 11 was the sponsor of the survey? And then if they 12 say, it was Google for their antitrust litigation, 13 you eliminate their responses. 14 That's independent of the issue do you 15 reveal -- you could do that and not ever reveal 16 the sponsor. 17 Q. I see. So I think I understand your 18 testimony. 19 In your view, it would have been 20 appropriate for Dr. Simonson to ask respondents 21 who they thought the sponsor of the survey was and 22 its purpose, and if they answered correctly, then</p>	<p style="text-align: right;">Page 257</p> <p>1 people aware of the issues -- who is sponsoring 2 this survey, and if they are, that could bias 3 their responses, so you would want to exclude 4 them. 5 That's totally separate from the issue 6 of, for whatever reason, tell them who the sponsor 7 is and decide if they want to opt out of having 8 their responses included. 9 BY MS. DEARBORN: 10 Q. You're aware that survey respondents were 11 only told of the survey sponsor and purpose at the 12 very end of the survey, right? 13 A. That's correct. 14 Q. After they had already answered all the 15 questions? 16 A. That's correct. 17 Q. And that the back button on their browser 18 was disabled such that no answers could be changed 19 after the respondents learned the sponsor of the 20 survey and its purpose? 21 A. Yes. 22 Q. How would learning the survey sponsor</p>

<p style="text-align: right;">Page 258</p> <p>1 after completing all of the survey responses 2 change the results that respondents gave 3 beforehand? 4 A. I'm not saying that at all. I don't take 5 issue with them revealing sponsor at the end, and 6 it does not change their responses. It alters the 7 nature of the sample because a significant number 8 of people opted out. 9 So it has nothing to do with the 10 reliability of their responses prior to that. 11 It's simply what happened as a result of that, 12 that revealing. 13 Q. Would you agree that a survey is blind if 14 survey respondents are unaware of the sponsor 15 while they're answering questions? 16 A. Yes. 17 Q. So in that way, Dr. Simonson's survey was 18 blind, right? 19 MR. SHEANIN: Objection. Form. 20 THE WITNESS: It was blind in design. 21 Yes. 22</p>	<p style="text-align: right;">Page 260</p> <p>1 aware of research that has found that there is no 2 effect of disclosure of a survey sponsor on the 3 results of a survey? 4 MR. SHEANIN: Objection. Form. 5 THE WITNESS: I can't cite any specific 6 articles, but that's contextual. It depends how 7 charged the questions are. There clearly was an 8 issue here because such a substantial -- a large 9 number of people opted out, that they were very 10 concerned that Google was the sponsor or they 11 wouldn't have opted out of the survey. After 12 going through all that, answering 39 questions and 13 then deciding to have them excluded, there was a 14 clear concern from those respondents. 15 BY MS. DEARBORN: 16 Q. Have you conducted any experiments to 17 determine the effect of disclosure of sponsorship 18 on survey responses? 19 A. I have not. 20 Q. Have you conducted any experiments to 21 determine the effects of disclosure of a survey's 22 purpose on respondents to a survey?</p>
<p style="text-align: right;">Page 259</p> <p>1 BY MS. DEARBORN: 2 Q. Do you have any reason to believe that 3 survey respondents were aware of the survey 4 sponsor as they answered questions? 5 MR. SHEANIN: Objection. Form. 6 THE WITNESS: I have no data on that. 7 It's possible, but there's no data -- if he had 8 asked that question at the end, we could know. 9 BY MS. DEARBORN: 10 Q. Are you aware that there is some research 11 that has found that identifying the survey 12 sponsor, even while respondents are answering 13 questions, has no meaningful effect on survey 14 responses? 15 A. That's -- there could be isolated 16 incidences, but based -- you know, particularly 17 Diamond cites this. There can be an instance 18 where you might reveal it, but the general 19 practice -- the most important practice is to have 20 a double blind survey. 21 Q. Despite the fact that it might be 22 standard practice to have a blind survey, are you</p>	<p style="text-align: right;">Page 261</p> <p>1 A. Generally -- I have not, but that's not a 2 topic I've seen anybody -- that's not something we 3 do. It's standard practice we do not reveal the 4 sponsor or the purpose of the survey. 5 Q. Do you have any reason to believe that 6 the individuals who opted out of having their 7 survey responses included in the final results 8 would have answered Dr. Simonson's questions 9 differently from the eventual survey respondents? 10 MR. SHEANIN: Objection. Form. 11 THE WITNESS: Well, as I say in my 12 report, it's not systematic -- I mean, it is 13 systematic exclusion if it was random, just people 14 randomly. 15 But specifically, my hypothesis is -- and 16 I don't have data to support, other than the 17 incidence of opting out was 50 percent higher in 18 the high spend advertising survey. And that 19 indicates that there's some concern about perhaps 20 Google getting their answers or knowing what they 21 answered. And particularly if they're heavy users 22 of Google ad tools, concerning about some --</p>

<p style="text-align: right;">Page 262</p> <p>1 what -- that effect Google -- you know, would</p> <p>2 Google come after them, whatever.</p> <p>3 I don't have hard-core evidence, but</p> <p>4 based on those different percentages, that seems</p> <p>5 to be consistent with that view.</p> <p>6 BY MS. DEARBORN:</p> <p>7 Q. Okay. You don't have hard -- you said</p> <p>8 you don't have hard-core evidence.</p> <p>9 A. I don't have actual data on those</p> <p>10 respondents.</p> <p>11 Q. Okay. You don't have data that would</p> <p>12 suggest that people who answered -- strike that.</p> <p>13 You don't have data that would suggest</p> <p>14 that people who opted out of having their survey</p> <p>15 responses included in the final results would have</p> <p>16 answered differently --</p> <p>17 A. Yeah.</p> <p>18 Q. -- from the eventual survey population,</p> <p>19 right?</p> <p>20 MR. SHEANIN: Objection. Form.</p> <p>21 THE WITNESS: Yeah, I do not because</p> <p>22 Simonson does not provide -- I assume he destroyed</p>	<p style="text-align: right;">Page 264</p> <p>1 A. Yes.</p> <p>2 Q. Okay. Now, in one of your prior answers,</p> <p>3 you said that survey respondents might be</p> <p>4 concerned that Google would come after them for</p> <p>5 their responses, right?</p> <p>6 A. I may not have used those exact words,</p> <p>7 but something to that effect.</p> <p>8 Q. Okay. You're aware that the survey</p> <p>9 respondents' identities were kept confidential,</p> <p>10 right?</p> <p>11 A. Yes.</p> <p>12 Q. So what's your basis for thinking that</p> <p>13 Google could retaliate against survey respondents</p> <p>14 in the way that you suggest?</p> <p>15 A. I'm not saying Google would. And you're</p> <p>16 right, they don't know who -- but why were they</p> <p>17 concerned? You have a group -- the hard-core</p> <p>18 evidence is you have a significant percentage of</p> <p>19 people who, when they found out Google was the</p> <p>20 sponsor and it related to the antitrust</p> <p>21 litigation, they wanted out, even after taking the</p> <p>22 time to fill out the questionnaire.</p>
<p style="text-align: right;">Page 263</p> <p>1 that data and does not have that data, because</p> <p>2 they asked to have it excluded.</p> <p>3 BY MS. DEARBORN:</p> <p>4 Q. You say you assume that he destroyed that</p> <p>5 data.</p> <p>6 Do you know one way or the other?</p> <p>7 A. I don't, but he should have.</p> <p>8 Q. Okay. Once survey respondents opted out</p> <p>9 of having their survey responses included in the</p> <p>10 final results, it was appropriate for Dr. Simonson</p> <p>11 not to look at those responses any further, right?</p> <p>12 A. Absolutely.</p> <p>13 Q. And it was appropriate for him not to</p> <p>14 include them in his final report, right?</p> <p>15 A. Absolutely.</p> <p>16 Q. Because doing otherwise would have broken</p> <p>17 a promise.</p> <p>18 A. Absolutely.</p> <p>19 Q. Okay. Now, you said that the number of</p> <p>20 individuals who opted out in the higher spend</p> <p>21 survey was higher than in the lower spend survey.</p> <p>22 Is that the case?</p>	<p style="text-align: right;">Page 265</p> <p>1 There has to be a reason. It's not</p> <p>2 random.</p> <p>3 Q. You say there has to be a reason. But</p> <p>4 you didn't test it, because you couldn't, right?</p> <p>5 A. Right. I couldn't.</p> <p>6 Q. Right.</p> <p>7 A. There's no data. There's no open-ended</p> <p>8 responses, why did you opt out?</p> <p>9 Q. But you didn't, for example, conduct a</p> <p>10 survey where you did not give survey respondents</p> <p>11 the ability to opt out and see whether the results</p> <p>12 would be any different.</p> <p>13 MR. SHEANIN: Objection. Form.</p> <p>14 THE WITNESS: No. As I said, I've not</p> <p>15 done any other surveys.</p> <p>16 BY MS. DEARBORN:</p> <p>17 Q. Okay. How would a respondent to these</p> <p>18 surveys know whether the answers were good for</p> <p>19 Google or bad for Google?</p> <p>20 A. I can't speculate, but all I can say is</p> <p>21 they had some reason to opt out of that survey.</p> <p>22 Q. Well, you do speculate in your report in</p>

<p style="text-align: right;">Page 266</p> <p>1 paragraph 83, don't you?</p> <p>2 MR. SHEANIN: Objection. Form.</p> <p>3 THE WITNESS: Yeah, we just said this a</p> <p>4 minute ago.</p> <p>5 BY MS. DEARBORN:</p> <p>6 Q. Right. You say, "It is entirely possible</p> <p>7 that respondents who chose to have their responses</p> <p>8 excluded did not want Google to have access to</p> <p>9 their responses despite being told at the</p> <p>10 beginning that their responses would be</p> <p>11 anonymous."</p> <p>12 That's what you wrote, right?</p> <p>13 A. Yes.</p> <p>14 Q. And you're just speculating as to why</p> <p>15 respondents might have opted out, right?</p> <p>16 MR. SHEANIN: Objection. Form.</p> <p>17 THE WITNESS: Yes. Because it's</p> <p>18 systematic. It's not random -- a random response.</p> <p>19 They were specifically told something. And for a</p> <p>20 significant number of people, they decided to</p> <p>21 behave in a certain way, a consistent manner. So</p> <p>22 there has to be some reason for it.</p>	<p style="text-align: right;">Page 268</p> <p>1 thinking. I can only speculate. But there</p> <p>2 clearly was a reason.</p> <p>3 BY MS. DEARBORN:</p> <p>4 Q. But again, you haven't tested what that</p> <p>5 reason might be?</p> <p>6 MR. SHEANIN: Objection. Form.</p> <p>7 THE WITNESS: No, I have not.</p> <p>8 BY MS. DEARBORN:</p> <p>9 Q. Okay. We took a little bit of a detour</p> <p>10 away from the no-contact list, so let's go back to</p> <p>11 Exhibit [sic] I, please.</p> <p>12 A. Okay.</p> <p>13 Q. I'd like you to assume with me for a</p> <p>14 moment that Dr. Simonson could not conduct a</p> <p>15 survey that contacted the individuals in</p> <p>16 appendix I. Just posit that.</p> <p>17 A. Okay.</p> <p>18 Q. That he had a valid reason for doing</p> <p>19 that.</p> <p>20 A. Okay.</p> <p>21 Q. Is it your opinion that it is impossible</p> <p>22 to conduct a reliable survey of advertisers while</p>
<p style="text-align: right;">Page 267</p> <p>1 Whether my reason is correct or not is</p> <p>2 not the issue. The issue is there was a concern</p> <p>3 that -- when they found out that Google had</p> <p>4 sponsored the survey.</p> <p>5 BY MS. DEARBORN:</p> <p>6 Q. But the reasons for opting out in</p> <p>7 paragraph 83, that's just your speculation,</p> <p>8 correct?</p> <p>9 MR. SHEANIN: Objection. Form.</p> <p>10 THE WITNESS: Yes.</p> <p>11 BY MS. DEARBORN:</p> <p>12 Q. Why would a respondent think that their</p> <p>13 answers would harm Google in a survey that Google</p> <p>14 sponsored --</p> <p>15 MR. SHEANIN: Objection.</p> <p>16 BY MS. DEARBORN:</p> <p>17 Q. -- as you suggest here in paragraph 83?</p> <p>18 MR. SHEANIN: Objection. Form.</p> <p>19 THE WITNESS: Again, as you said, I'm</p> <p>20 speculating, but perhaps they are users of Google</p> <p>21 tools, Google Ads, and that Google might charge</p> <p>22 them a higher -- I don't know what they were</p>	<p style="text-align: right;">Page 269</p> <p>1 also excluding the entities in appendix I?</p> <p>2 MR. SHEANIN: Objection. Form.</p> <p>3 THE WITNESS: Of this magnitude, yes.</p> <p>4 BY MS. DEARBORN:</p> <p>5 Q. So you think no survey could have been</p> <p>6 done in this case that would have been</p> <p>7 methodologically sound if it was required that the</p> <p>8 entities in appendix I be excluded?</p> <p>9 MR. SHEANIN: Objection. Form.</p> <p>10 THE WITNESS: If -- under that</p> <p>11 assumption. But as I said before, it would be</p> <p>12 possible. You take one example, Walt Disney</p> <p>13 Company. How many thousands of people work for</p> <p>14 Walt Disney Company? Is every single person in</p> <p>15 that company aware of these issues?</p> <p>16 I still think you could -- I think it was</p> <p>17 a bad decision to exclude all these companies.</p> <p>18 And -- but what you would do is ask the questions</p> <p>19 about "do you know who the sponsor of this survey</p> <p>20 is" at the end. And if they're not, then it's</p> <p>21 fine to have them in the survey.</p> <p>22</p>

<p style="text-align: right;">Page 270</p> <p>1 BY MS. DEARBORN:</p> <p>2 Q. Okay. I think that there's two separate</p> <p>3 things going on here. Right? One is the</p> <p>4 informed -- the fact that Dr. Simonson informed</p> <p>5 respondents at the end of the survey as to its</p> <p>6 sponsor and its purpose?</p> <p>7 A. That's a different -- totally different</p> <p>8 issue.</p> <p>9 Q. Right. So I'm asking a much more narrow</p> <p>10 question, which is, do you think no survey could</p> <p>11 have been done in this case --</p> <p>12 A. The --</p> <p>13 Q. -- if it excluded the entities on</p> <p>14 appendix I?</p> <p>15 A. If you excluded them, yes, you could not</p> <p>16 get a representative sample. But I'm saying</p> <p>17 that -- is it impossible to do a survey? You</p> <p>18 could, under the conditions I mentioned.</p> <p>19 Q. Okay. So -- but in your example, you</p> <p>20 would contact all of these individuals in</p> <p>21 appendix I. You would just then ask them to guess</p> <p>22 about the survey's respondents or --</p>	<p style="text-align: right;">Page 272</p> <p>1 Q. All right. Well, you understand</p> <p>2 Dr. Simonson was surveying advertisers, right?</p> <p>3 A. Yes.</p> <p>4 Q. You understand that Dr. Simonson was not</p> <p>5 conducting a survey of website publishers, right?</p> <p>6 A. That's correct.</p> <p>7 Q. Does appendix I include website</p> <p>8 publishers?</p> <p>9 A. I don't remember, to be honest.</p> <p>10 Yes.</p> <p>11 Q. And you understand that Dr. Simonson was</p> <p>12 not conducting a survey of ad tech providers,</p> <p>13 right?</p> <p>14 A. Yes.</p> <p>15 Q. Does appendix I include ad tech</p> <p>16 providers?</p> <p>17 A. I don't remember specifically.</p> <p>18 Q. If you need to refresh your recollection,</p> <p>19 you can look at page 1.</p> <p>20 A. Page 1 of?</p> <p>21 Q. Of appendix I.</p> <p>22 A. Okay. And your question is?</p>
<p style="text-align: right;">Page 271</p> <p>1 A. Well, I wouldn't contact all of them. I</p> <p>2 would have a representative sample that included</p> <p>3 these, possibly.</p> <p>4 Q. I see. Again, in your view, it was</p> <p>5 impossible to do a survey in this case if</p> <p>6 Dr. Simonson couldn't --</p> <p>7 A. Yes.</p> <p>8 Q. -- contact the individuals in appendix I.</p> <p>9 A. Yes.</p> <p>10 Q. Okay. Now, one of the excluded companies</p> <p>11 in appendix I is Google's parent company,</p> <p>12 Alphabet, right?</p> <p>13 A. Yes.</p> <p>14 Q. You point this out in your report.</p> <p>15 A. Yes.</p> <p>16 Q. Are you saying Google should have</p> <p>17 surveyed its own parent company?</p> <p>18 A. No, I'm not saying that. But I'm saying</p> <p>19 eliminating 580 companies is not necessary.</p> <p>20 Q. Okay. Well, he didn't really eliminate</p> <p>21 580 companies, did he, Dr. Hoyer?</p> <p>22 A. That was my understanding, it was 580.</p>	<p style="text-align: right;">Page 273</p> <p>1 Q. Does appendix I, the no-contact list,</p> <p>2 include ad tech providers?</p> <p>3 A. Yes, it does.</p> <p>4 Q. Okay. And it was not erroneous for</p> <p>5 Dr. Simonson to exclude publishers or ad tech</p> <p>6 providers from his survey population, right?</p> <p>7 MR. SHEANIN: Objection. Form.</p> <p>8 THE WITNESS: No, it was not.</p> <p>9 BY MS. DEARBORN:</p> <p>10 Q. Right. Because he was surveying</p> <p>11 advertisers --</p> <p>12 A. Right.</p> <p>13 Q. -- right?</p> <p>14 So he didn't exclude 580 companies from</p> <p>15 his survey population, did he?</p> <p>16 A. I would have to go back and see how those</p> <p>17 numbers were calculated. But the key issue is not</p> <p>18 so much the number as the amount of revenue and</p> <p>19 the amount of advertising that is done on ad tools</p> <p>20 by the companies that -- by companies that were</p> <p>21 excluded.</p> <p>22 Q. Okay. How many advertisers did</p>

<p style="text-align: right;">Page 274</p> <p>1 Dr. Simonson exclude because they're listed in 2 appendix I? 3 A. I believe there was 580. I'd have to go 4 back and check the numbers. 5 Q. Well, 580 includes ad tech providers and 6 publishers, though, right? 7 A. I'm not sure. I don't remember. There 8 are, like, 580 in this table. 9 Q. Where did that number, 580, in your 10 report -- 11 A. I asked -- 12 Q. -- come from? 13 A. -- Brattle to calculate that for me. 14 Q. And what instructions did you give 15 Brattle to come up with the number 580? 16 A. To find out that -- the number of 17 advertising companies that were excluded. 18 Q. So you think 580 is the number of 19 advertising companies that were excluded from the 20 survey? 21 A. As I said, I'd have to go back and check. 22 Q. Okay. If it's significantly smaller than</p>	<p style="text-align: right;">Page 276</p> <p>1 other number. 2 And, you know, if you look at that 3 paragraph where that is quoted, there's a lot 4 of -- you know, it really adds to the 5 unrepresentativeness of the sample. 6 Q. Have you done any analysis as to whether 7 the results of Dr. Simonson's surveys would change 8 if the excluded companies in appendix I were, in 9 fact, included in the survey population? 10 A. I have not done that. 11 Q. Do you have a basis one way or the other 12 to opine as to the direction in which inclusion of 13 those individuals in the survey population would 14 have impacted the results? 15 MR. SHEANIN: Objection. Form. 16 Foundation. 17 THE WITNESS: Showing that your sample is 18 representative is his responsibility, not mine. 19 He should have shown that there were no 20 differences or that that is a valid sample. 21 He has provided, as far as I can see, no 22 evidence that his sample is representative of the</p>
<p style="text-align: right;">Page 275</p> <p>1 580, would that surprise you? 2 MR. SHEANIN: Objection to form. 3 THE WITNESS: It would surprise me. But 4 again, the key issue is the amount of spending 5 that occurred. It's still a very significant 6 number that were excluded. And the amount of 7 revenue that -- Google's own revenue that comes 8 from those companies is substantial. 9 BY MS. DEARBORN: 10 Q. Okay. If the number 580 includes all of 11 the entities here in Exhibit I -- or, sorry, in 12 appendix I and is not advertisers, do you want to 13 revise your report? 14 A. It doesn't change my opinion. 15 Q. Would you like to revise that number in 16 your report? 17 A. If -- given the opportunity, yes. 18 Q. Okay. 19 A. But still the key conclusion is, for 20 example, 9 of the top 15 whales, which are the 21 largest ad spenders on Google Ads, were excluded. 22 That's significant, independent of 580 or any</p>	<p style="text-align: right;">Page 277</p> <p>1 population. 2 BY MS. DEARBORN: 3 Q. Okay. Now, in previous surveys that you 4 have conducted, you have excluded certain members 5 of populations because you weren't able to contact 6 them for one reason or another, right? 7 A. Yes. 8 Q. Right. So in the credit union case that 9 you just mentioned, you excluded any respondents 10 who were a current member of the credit union, 11 right? 12 A. Yes. 13 MR. SHEANIN: Objection. Form. 14 BY MS. DEARBORN: 15 Q. Did you think the exclusion of members of 16 the credit union created a bias in your survey? 17 A. The population we were representing or 18 trying to generalize to were potential credit 19 union members. And so that's what we had. We had 20 a sample, representative sample, of credit union 21 members. 22 Q. Got it.</p>

70 (Pages 274 - 277)

Page 278

1 MR. SHEANIN: And can I just say -- I
2 just, again, want to caution you not to go into
3 anything that would revel confidential information
4 in that matter.
5 MS. DEARBORN: To set Dr. Hoyer's mind at
6 ease, the report is publicly available.
7 MR. SHEANIN: Okay.
8 MS. DEARBORN: So I don't think there's
9 confidentiality concern here.
10 BY MS. DEARBORN:
11 Q. But of course I'm not asking you to
12 violate your -- any confidentiality obligations
13 that you're under, but I'm asking questions to
14 which I believe the answers are public knowledge.
15 A. Well, there was a reason for that, and
16 the reason was we were testing a language of
17 Vistar's agreement that, when people signed up for
18 an account, they had to read that and understand
19 the terms of that account. And people who are
20 already members have already seen that account,
21 and that doesn't give an indication of how well
22 new members would understand that language.

Page 279

1 MR. SHEANIN: Okay.
2 THE WITNESS: So that's how we...
3 MR. SHEANIN: I'd remind you to only
4 respond to questions that were actually on the
5 table and posed to you, and I don't believe there
6 was one posed to you at that point.
7 MS. DEARBORN: And I would request that
8 counsel not coach the witness.
9 BY MS. DEARBORN:
10 Q. Okay. You've conducted surveys of
11 purchasers of MP3s.
12 Do you recall that?
13 A. Yes.
14 Q. And when you conducted a survey of
15 consumers who purchased MP3s, you excluded from
16 your survey population any individuals under the
17 age of 18, right?
18 A. Which study are you referring to? I
19 remember vaguely, but I don't have a detailed
20 memory of that.
21 Q. It's a 2020 study that you did on MP3
22 purchasing.

Page 280

1 A. Do you have the reference for it so I
2 can --
3 Q. I don't, unfortunately.
4 It's a -- well, I have a study that you
5 published in the Journal of the Academy
6 of Marketing Science.
7 A. Okay.
8 Q. Does that jog your memory?
9 A. No. I have had about 15 articles, or --
10 Q. Okay. I'll ask it more generally.
11 When you conduct surveys, as a general
12 matter, it's usually appropriate to exclude
13 minors, right?
14 A. Yes.
15 Q. And -- but minors make purchasing
16 decisions, right?
17 A. Yes.
18 Q. Does the exclusion of minors from survey
19 populations make the surveys any less reliable?
20 A. It depends on what type of survey you're
21 talking about. If it's an academic study, we
22 aren't as concerned about representative [sic] of

Page 281

1 the sample. If it's a litigation survey where
2 you're trying to draw specific conclusions about a
3 population, and they are a significant buyer, then
4 it is a problem.
5 Q. Now, Dr. Simonson concludes that, to the
6 extent the companies that he excluded, because
7 they appeared on the no-contact list, are, on
8 average, more sophisticated advertisers, then his
9 results would likely to be conservative on key
10 topics such as multi-homing and substitution.
11 Do you have any reason to doubt that
12 conclusion?
13 A. Yes. He provides no evidence of that.
14 Why would they be -- why would it be more
15 conservative? I don't understand that comment.
16 Q. Did you review the bases for
17 Dr. Simonson's statement?
18 A. I did, but I don't remember the
19 specifics.
20 Q. Did you disagree with him when you
21 reviewed that paragraph in his report?
22 MR. SHEANIN: Objection. Form.

<p style="text-align: right;">Page 282</p> <p>1 THE WITNESS: To be perfectly honest, 2 that's a phrase that academics use all the time to 3 try to get them out of difficult situations 4 that -- it's not necessarily a valid statement, to 5 be quite honest. 6 BY MS. DEARBORN: 7 Q. Which phrase, the fact that -- 8 A. Likely to be conservative. 9 Q. It's not a phrase you've ever used 10 before, Dr. Hoyer? 11 A. Oh, I've used it. We all use it. But 12 that doesn't mean it's right. 13 Q. But still, you have no basis to disagree 14 with that conclusion in his report, despite the 15 fact that you question the use of the word 16 "conservative," right? 17 MR. SHEANIN: Objection. Form. 18 THE WITNESS: He doesn't provide detailed 19 reasons of why it would be conservative, and I -- 20 I would have to be convinced of his reasoning 21 before I would accept that statement. 22</p>	<p style="text-align: right;">Page 284</p> <p>1 Q. But you did not specifically disagree 2 with Dr. Simonson's conclusion that exclusion of 3 the companies on the no-contact list may have 4 rendered his survey results conservative, rights? 5 MR. SHEANIN: Objection. 6 BY MS. DEARBORN: 7 Q. That's not something that you said in 8 your report? 9 MR. SHEANIN: Objection to form. 10 THE WITNESS: I didn't say it in my 11 report. But since you're asking me, I don't -- I 12 can't accept that comment at face value. 13 BY MS. DEARBORN: 14 Q. All right. Let's look at paragraph 69 of 15 your report, please. 16 All right. And in this paragraph you 17 criticize Dr. Simonson because you say he has no 18 way to ascertain whether two, five, ten, or more 19 respondents in his final sample work for the same 20 company, right? 21 A. Yes. 22 Q. That's because, theoretically, people</p>
<p style="text-align: right;">Page 283</p> <p>1 BY MS. DEARBORN: 2 Q. Well, part of your assignment was to 3 review and respond to Dr. Simonson's report, 4 right? 5 A. Yes. 6 Q. And disagreeing with his statement that 7 exclusion of individuals on the no-contact list is 8 not a criticism -- strike that. 9 His conclusion that exclusion of the 10 companies on the no-contact list was likely to 11 make the results of his survey conservative is not 12 a conclusion that you challenge in your report, 13 correct? 14 A. I challenge that the sample is 15 unrepresentative, and we don't know how that 16 affected the survey. 17 But the issue -- it's not a valued [sic] 18 support because the purpose of a survey should be 19 to be able to draw valid conclusions on a 20 representative sample. And anything less than 21 that calls into question the reliability and 22 usefulness of the survey.</p>	<p style="text-align: right;">Page 285</p> <p>1 from different business units in the same company 2 could answer the survey? 3 MR. SHEANIN: Objection. Form. 4 THE WITNESS: Or from the same business 5 unit even. 6 BY MS. DEARBORN: 7 Q. Did you look at the data that 8 Dr. Simonson provided to determine how many 9 individuals from the same company answered the 10 survey? 11 MR. SHEANIN: Objection. Form. 12 Foundation. 13 THE WITNESS: I don't recall. I don't 14 remember seeing that. 15 BY MS. DEARBORN: 16 Q. Is that something you looked into? 17 MR. SHEANIN: Objection. Form. 18 Foundation. 19 THE WITNESS: I was just basing it on his 20 report that he didn't mention that there was any 21 effort to only have single individuals from each 22 company. I didn't see his description of that.</p>

<p style="text-align: right;">Page 326</p> <p>1 always games that subjects play. It's -- the key</p> <p>2 is whether it's systematic demand characteristics.</p> <p>3 BY MS. DEARBORN:</p> <p>4 Q. Right. So you would agree that some</p> <p>5 demand characteristics effect is minor?</p> <p>6 MR. SHEANIN: Objection. Form.</p> <p>7 THE WITNESS: The key issue is whether it</p> <p>8 systematically influences results in a certain</p> <p>9 way. And particularly, does it influence results</p> <p>10 towards the hypothesis of the researcher?</p> <p>11 BY MS. DEARBORN:</p> <p>12 Q. Have you done any empirical analysis to</p> <p>13 determine whether demand effects influenced</p> <p>14 Dr. Simonson's study in a systematic way?</p> <p>15 MR. SHEANIN: Objection. Form.</p> <p>16 THE WITNESS: Yeah, I am not -- I did not</p> <p>17 have the time to do a study of that nature. It</p> <p>18 was not part of my assignment.</p> <p>19 BY MS. DEARBORN:</p> <p>20 Q. Would you agree that there's no such</p> <p>21 thing as a perfect survey?</p> <p>22 A. I would agree with that. But some</p>	<p style="text-align: right;">Page 328</p> <p>1 question that question as being vague.</p> <p>2 MS. DEARBORN: Okay. Let's look at --</p> <p>3 let's do tab 30, please, Anita. Let's mark -- I</p> <p>4 believe we're up to Exhibit 5.</p> <p>5 (Hoyer Deposition Exhibit 5 marked for</p> <p>6 identification and attached to the</p> <p>7 transcript.)</p> <p>8 BY MS. DEARBORN:</p> <p>9 Q. Okay. We've marked as Hoyer Exhibit 5 an</p> <p>10 article titled, "Service brand relationship</p> <p>11 quality: Hot or cold?"</p> <p>12 Do you recognize this document,</p> <p>13 Dr. Hoyer?</p> <p>14 A. Yes.</p> <p>15 Q. What is it?</p> <p>16 A. Yes.</p> <p>17 Q. What is it?</p> <p>18 A. It's an article I wrote with my Swiss</p> <p>19 colleagues looking at -- it was mainly focused on</p> <p>20 brand relationship quality.</p> <p>21 Q. Do you stand by the results of this</p> <p>22 paper?</p>
<p style="text-align: right;">Page 327</p> <p>1 surveys are much more flawed than others.</p> <p>2 Q. Have you ever asked survey respondents</p> <p>3 questions about what they would do in a response</p> <p>4 to a price increase without specifying the amount</p> <p>5 of that increase?</p> <p>6 A. I don't do pricing research, so no, I</p> <p>7 have not.</p> <p>8 Q. Have you ever seen that asked?</p> <p>9 MR. SHEANIN: Objection. Form.</p> <p>10 THE WITNESS: Most typically -- again,</p> <p>11 I've seen many studies. Studies that I can recall</p> <p>12 seeing do specify an amount, like dollar amount or</p> <p>13 percentage increase.</p> <p>14 BY MS. DEARBORN:</p> <p>15 Q. Have you ever seen a survey done that</p> <p>16 asks respondents what they would do in response to</p> <p>17 a price increase without specifying the dollar</p> <p>18 amount or specific amount of the increase?</p> <p>19 MR. SHEANIN: Objection. Form. Asked</p> <p>20 and answered.</p> <p>21 THE WITNESS: Not that I can recall. And</p> <p>22 if I were a reviewer of a study, I would highly</p>	<p style="text-align: right;">Page 329</p> <p>1 A. Yes.</p> <p>2 Q. Do you think the methodology you employed</p> <p>3 was reliable --</p> <p>4 A. As far as --</p> <p>5 Q. -- in conducting a survey?</p> <p>6 A. As far as I can recall, yes.</p> <p>7 Q. Just because I'm watching the transcript</p> <p>8 here, please let me finish my question before you</p> <p>9 start your answer. Our transcript is going to be</p> <p>10 a mess otherwise.</p> <p>11 MR. SHEANIN: Yeah, if every one would</p> <p>12 take a moment so that you could finish the</p> <p>13 question, I can finish an objection and you can</p> <p>14 get a good answer --</p> <p>15 THE WITNESS: Guilty, sorry.</p> <p>16 MR. SHEANIN: I promise that our court</p> <p>17 reporter would be appreciative.</p> <p>18 BY MS. DEARBORN:</p> <p>19 Q. Okay. So just to ask my question again,</p> <p>20 you stand by the methodology that you employed in</p> <p>21 conducting this study, correct?</p> <p>22 A. Yes.</p>

Page 330

1 Q. All right. So this study involved a
2 survey, right?
3 A. Yes.
4 Q. It involved a survey of consumers,
5 correct?
6 A. As far as I remember, yes.
7 Q. And the survey questions are reproduced
8 in appendix A, right?
9 A. Yes.
10 Q. And the only difference between the
11 survey questions reproduced in appendix A and
12 those you actually gave to survey respondents is
13 that you actually substituted a brand in response
14 to the Xs in this table, right?
15 A. I believe so. This was done ten years
16 ago, but yes, I think so.
17 Q. Right. So, here, X was a brand of
18 airline?
19 A. Yes.
20 Q. But otherwise, these were verbatim the
21 questions that you gave to survey respondents,
22 right?

Page 331

1 A. Technically, yes. It's an English
2 translation. It was Swiss -- it was in German.
3 Q. But you think this was accurately
4 translated, correct?
5 A. Yes.
6 Q. Okay. So I'd like to focus your
7 attention midway down the page. There are two
8 questions underneath the header "Willingness to
9 pay a price premium."
10 Do you see that?
11 A. Yes.
12 Q. And one of the questions that you asked
13 consumers in this survey was, "The price of X
14 would have to go up quite a bit before I would
15 switch to another airline brand," right?
16 A. Yes.
17 Q. Did you put a specific value on the
18 phrase "quite a bit" anywhere in this survey?
19 A. This is a standard set of questions.
20 "Willingness to pay" is a common term and is based
21 on a previous scale that's cited there, Netemeyer,
22 et al.

Page 332

1 But no, we did not change that question
2 based on the previous scale.
3 Q. And the previous scale, that's not a
4 dollar figure scale, right? That's, like, a
5 sliding scale from 1 to whatever, indicating the
6 extent to which the respondent agreed with that
7 phrase?
8 MR. SHEANIN: Objection. Form.
9 THE WITNESS: I don't remember if it was
10 a sliding scale.
11 BY MS. DEARBORN:
12 Q. Okay.
13 A. It's been ten years. I --
14 Q. Well, you said the previous scale cited
15 there, so I'm just trying to understand what that
16 previous scale is.
17 A. The Netemeyer, et al., 2004 scale.
18 Q. And what is that scale? Can you describe
19 it for me?
20 A. Well, it's these two -- it's a scale to
21 measure willingness to pay.
22 Q. But how is -- what are the actual values

Page 333


1 on that scale?
2 A. I don't remember.
3 Q. Is it a specific dollar amount?
4 A. I can't remember, to be honest. It's ten
5 years ago.
6 Q. Just based -- looking at the language of
7 this question --
8 A. I mean, it might be -- I could take time
9 to read the article, to go back and see what all
10 the scales were, but I don't remember off the top
11 of my head.
12 Q. Well, you agree that the question that
13 you asked survey respondents was, "The price of X
14 would have to go up quite a bit before I would
15 switch to another airline brand," right?
16 A. Yes.
17 Q. So the most likely scale that would allow
18 respondents to answer that question is one that
19 indicates their willingness to pay, right?
20 Very -- strongly agree, do not agree, et cetera?
21 MR. SHEANIN: Objection. Form.
22 Foundation.

<p style="text-align: right;">Page 334</p> <p>1 THE WITNESS: That's one way you could</p> <p>2 measure it. You could also ask them -- and some</p> <p>3 studies do -- how much would it have to go up</p> <p>4 before I would switch to another brand?</p> <p>5 BY MS. DEARBORN:</p> <p>6 Q. That would be a different question,</p> <p>7 though, right, Dr. Hoyer?</p> <p>8 A. It would measure willingness to pay.</p> <p>9 Q. But you would have to ask a different</p> <p>10 question in order to evaluate how much the price</p> <p>11 would have to go up in order for them to switch,</p> <p>12 right?</p> <p>13 A. Yes.</p> <p>14 Q. All right. My colleague has helpfully</p> <p>15 pointed out a portion of this article that might</p> <p>16 refresh -- refresh your recollection as to the way</p> <p>17 that the scale was worded.</p> <p>18 If you could turn to page 96 of this</p> <p>19 article, please. Under "Measures," the last</p> <p>20 sentence of the first paragraph says, "With few</p> <p>21 exceptions (i.e., consideration of set size, share</p> <p>22 of wallet, and revenue per customer), all items</p>	<p style="text-align: right;">Page 336</p> <p>1 switch to another airline brand," right?</p> <p>2 MR. SHEANIN: Asked and answered.</p> <p>3 THE WITNESS: Yes.</p> <p>4 BY MS. DEARBORN:</p> <p>5 Q. And in answering that question,</p> <p>6 respondents were required to indicate their</p> <p>7 response on a sliding scale that went from</p> <p>8 "strongly disagree" to "strongly agree"?</p> <p>9 A. It's not a sliding scale. It's a</p> <p>10 seven-point scale, and they circle one of the --</p> <p>11 or indicate one of the numbers from 1 to 7.</p> <p>12 Q. I appreciate the clarification.</p> <p>13 In order to answer the question "The</p> <p>14 price of X would have to go up quite a bit before</p> <p>15 I would switch to another airline brand,"</p> <p>16 respondents answered on a scale that went from</p> <p>17 "strongly disagree" to "strongly agree"?</p> <p>18 A. That's correct.</p> <p>19 Q. And this question did not ask about a</p> <p>20 specific dollar amount that the price would go up,</p> <p>21 right?</p> <p>22 A. It did not.</p>
<p style="text-align: right;">Page 335</p> <p>1 were measured with a seven-point Likert" --</p> <p>2 L-i-k-e-r-t --</p> <p>3 A. Likert.</p> <p>4 Q. -- "type scale, anchored by 'strongly</p> <p>5 disagree' and 'strongly agree.'"</p> <p>6 Do you see that?</p> <p>7 A. Yes.</p> <p>8 Q. So the willingness to pay questions are</p> <p>9 not one of the three exceptions that are listed</p> <p>10 there, right?</p> <p>11 A. That's correct.</p> <p>12 Q. So the willingness to pay questions were</p> <p>13 measured with a scale anchored by "strongly</p> <p>14 disagree" and "strongly agree"?</p> <p>15 MR. SHEANIN: Objection. Form.</p> <p>16 Go ahead.</p> <p>17 THE WITNESS: That's correct.</p> <p>18 BY MS. DEARBORN:</p> <p>19 Q. Okay. So again, to make sure we have a</p> <p>20 clean record with that refreshed recollection, in</p> <p>21 this survey you asked consumers, "The price of X</p> <p>22 would have to go up quite a bit before I would</p>	<p style="text-align: right;">Page 337</p> <p>1 Q. And it didn't ask about a specific</p> <p>2 percentage that the price would go up before they</p> <p>3 would answer that question, right?</p> <p>4 A. Yes.</p> <p>5 MR. SHEANIN: Object to form.</p> <p>6 THE WITNESS: Sorry.</p> <p>7 BY MS. DEARBORN:</p> <p>8 Q. Okay. And you do not think that asking</p> <p>9 this question was unreliable in any way, right?</p> <p>10 MR. SHEANIN: Objection to form.</p> <p>11 THE WITNESS: I don't think it's the best</p> <p>12 way we could have asked it. In retrospect, I</p> <p>13 would have asked it differently, from what I know</p> <p>14 now. But it's just one item on the whole study.</p> <p>15 BY MS. DEARBORN:</p> <p>16 Q. And you did not define the phrase "quite</p> <p>17 a bit" in that question, right?</p> <p>18 A. Correct.</p> <p>19 Q. So you asked respondents, "The price of X</p> <p>20 would have to go up quite a bit before I would</p> <p>21 switch to another airline brand," without defining</p> <p>22 the specific --</p>

Page 458

1 Q. How would you go about determining
2 whether or not different people from the same
3 company or from different business units within
4 the same company took the survey?
5 A. You would need a question or data on
6 that. And in his instructions, he -- it is
7 completely anonymous. And looking back at the
8 backup data, there was no question on what company
9 they were from, so there's no way to evaluate
10 that.
11 MR. SHEANIN: Thank you. I have no
12 further questions.
13 MS. DEARBORN: Nothing further.
14 VIDEO TECHNICIAN: Okay. This now ends
15 the deposition of Dr. Wayne Hoyer. We're off the
16 record at 5:16 p.m.
17 (Whereupon, at 5:16 p.m., the videotaped
18 deposition of WAYNE D. HOYER, Ph.D., was
19 concluded.)
20
21
22

Page 459

1 CERTIFICATE OF NOTARY PUBLIC
2 I, CHRISTINA S. HOTSKO, the officer before
3 whom the foregoing deposition was taken, do hereby
4 certify that the witness whose testimony appears in
5 the foregoing deposition was duly sworn by me; that
6 the testimony of said witness was taken by me in
7 stenotypy and thereafter reduced to typewriting under
8 my direction; that said statement is a true record of
9 the proceedings; that I am neither counsel for,
10 related to, nor employed by any of the parties to the
11 action in which this statement was taken; and,
12 further, that I am not a relative or employee of any
13 counsel or attorney employed by the parties hereto,
14 nor financially or otherwise interested in the
15 outcome of this action.
16 Dated: March 6, 2024
17
18 
19 CHRISTINA S. HOTSKO
20 Notary Public in and for the
21 District of Columbia
22 My commission expires:
23 1 January 2027

116 (Pages 458 - 459)

HIGHLY CONFIDENTIAL – SUBJECT TO PROTECTIVE ORDER

		is they were asked to focus on their biggest client."	is they were asked to focus on the client they spent the most time on. "	
169	1-5	"My decades of experience doing questionnaires, people don't --they remember individual questions, but they can forget instructions, particularly if they're violated."	" Based on my decades of experience doing questionnaires, people remember individual questions, but they can forget instructions, frequently they're violated."	Clarification
173	12	"communications, that is what I preach in my class,..."	"communications, that is what I teach in my class,..."	Correction
199	1	"colleagues from the University of Bern in Wharton"	"colleagues from the University of Bern and Wharton"	Clarification
203	8-10	"To ensure that our sample contains a sufficient number of companies with both hot -- low and high degrees of.."	"To ensure that our sample contains a sufficient number of companies with both -- low and high degrees of.."	Typo
220	2-4	"and I was explaining why I was not concerned in this study and I was concerned in mine."	"and I was explaining why I was not concerned in this study and I was concerned in Prof. Simonson's survey. "	Clarification
241	6-7	"It's not -- there are not multiple quotes"	" There are multiple quotes"	Typo; Clarification
252-253	21-5	"I think it's possible. I think -- a lot of these companies are large. And just because the company is involved in litigation doesn't mean that every single member of that company is going to know about that litigation, nor does it mean even people not -- that are contacted aren't aware of that litigation."	"I think it's possible. I think -- a lot of these companies are large. And just because the company is involved in litigation doesn't mean that every single member of that company is going to know about that litigation, nor does it mean even people not -- that are contacted aren't aware of that litigation."	Transcription Error; Clarification
253	10-11	"And if you get people in that question, then they are excluded from the sample. "	"And if you get people answering that question, then they are excluded from the sample."	Clarification
278	17	"Vistar's agreement that"	" Vystar's agreement that"	Typo
299	6-9	"It's formally hard to believe that -- just based on my analysis and these numbers, it would be -- I strongly suspect that the sample is unrepresentative."	"It's hard to believe that -- just based on my analysis and these numbers, it would be -- I strongly suspect that the sample is unrepresentative."	Clarification

HIGHLY CONFIDENTIAL – SUBJECT TO PROTECTIVE ORDER

314-315	21-2	"Because in Simon's [sic] report, people are opting to change and spending more and switching, diverting, in his question."	"Because in Simonson's report, people are opting to change and spending more and switching, diverting, in his question."	Typo
353	13-14	"But that is, to me, a bias question, and it's not reflective of how"	"But that is, to me, a biased question, and it's not reflective of how"	Typo
356	21-22	"There are consumers cost is the only thing, and that's why..."	"There are consumers for whom cost is the only thing, and that's why..."	Clarification
386	4-5	"The prospective issue is about, is it my unit, is it me, is it my company?"	"The perspective issue is about, is it my unit, is it me, is it my company?"	Typo
392	11	"you get no actual precision."	"you get no additional precision."	Clarification
397	9-10	"No, I don't see how that's irrelevant [sic]."	"No, I don't see how that's relevant. "	Typo
412	6-7	"That's not the center [sic] to my criticism."	"That's not central to my criticism."	Clarification
429	2-5	"But they could still not be [sic] close attention to the survey and not straightline that answer, but it's still not an indication that they were paying close attention to the survey."	"But they could still not be paying close attention to the survey and not straightline that answer, but it's still not an indication that they were paying close attention to the survey."	Clarification
430	2-3	"That seemed like a question that could be responsible [sic], straight ..."	"That seemed like a question that could be susceptible to straight-lining ..."	Clarification

Wge Q16